

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SOUTHEASTERN ROOFING)	
COMPANY, LLC,)	
)	
Plaintiff,)	CIVIL ACTION
)	FILE NO. _____
v.)	
)	[On removal from the State Court of
AUTO-OWNERS INSURANCE)	Gwinnett County, Civil Action File
COMPANY,)	No. 23-C-02049-S5]
)	
Defendant.)	

NOTICE OF REMOVAL

Comes now, AUTO-OWNERS INSURANCE COMPANY (hereinafter “Auto-Owners”), by and through its undersigned counsel, and hereby files this Notice of Removal, respectfully showing this Honorable Court as follows:

1.

On March 28, 2023, Plaintiff SOUTHEASTERN ROOFING COMPANY, LLC, (the “Plaintiff”), by and through counsel, filed a Complaint against Auto-Owners in the State Court of Gwinnett County, Georgia, styled as *SOUTHEASTERN ROOFING COMPANY, LLC, v. AUTO-OWNERS INSURANCE COMPANY*, assigned Case No. 23-C-02049-S5 (the “State Court Action”). True and correct

copies of all process, pleadings, and orders served upon this defendant to date in the State Court Action are collectively attached hereto as **Exhibit “A.”**

2.

The Complaint and Summons in this action were served upon Auto-Owners on March 30, 2023, the date on which Auto-Owners first received the Complaint and notice of this lawsuit. Thus, removal is timely under 28 U.S.C. § 1446(b).

3.

The United States District Court for the Northern District of Georgia, Atlanta Division, embraces Gwinnett County, Georgia. Removal to this Court is therefore proper under 28 U.S.C. § 1441(a).

4.

Pursuant to 28 U.S.C. § 1446(d), at the time of the filing of this Notice of Removal, Auto-Owners has given written notice to the Plaintiff by notifying its attorney of record, Joshua A. Millican, of Law Office of Joshua A. Millican, P.C., and has filed a copy of this Notice of Removal with the Clerk of State Court of Gwinnett County, which shall effect the removal.

DIVERSITY JURISDICTION

5.

The United States District Court for the Northern District of Georgia, Atlanta Division, possesses diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

6.

Plaintiff SOUTHEASTERN ROOFING COMPANY, LLC, is a limited liability company organized under the laws of the State of Georgia, with its principal place of business in the State of Georgia. See, Complaint Paragraph 1. All of the members/owners of Southeastern Roofing Company, LLC are residents of the State of Georgia. See attached **Exhibit “B”** – redacted EUO testimony of Avi Reddy, p. 11 and member residency documents.

7.

Auto-Owners is a corporation organized under the laws of the State of Michigan, with its principal place of business in the State of Michigan. Thus, Auto-Owners is a citizen of the State of Michigan.

8.

Because Plaintiff and Auto-Owners are citizens of different States, complete diversity exists between Plaintiff and Auto-Owners in accordance with 28 U.S.C. § 1332(a)(1).

9.

In Plaintiff's Complaint, Plaintiff seeks damages in the amount of not less than \$145,000.00. *See* Complaint, Paragraph 20. Plaintiff seeks further bad faith damages in the amount of fifty percent (50%) of the damages awarded and their attorneys fees. *See* Complaint, Prayer for Relief. Plaintiff seeks further unspecified damages against Auto-Owners, asking to recover "[s]uch other and further relief as this Court deems just and appropriate." *See* Complaint, Prayer for Relief. Accordingly, the amount in controversy, which totals at least \$217,500.00, exceeds the jurisdictional requirement of \$75,000.00, exclusive of interest and costs, as set forth in 28 U.S.C. § 1332(a).

10.

Venue is proper in this Court for purposes of removal under 28 U.S.C. § 1441(a). By filing this Notice of Removal, Auto-Owners does not waive any of its affirmative defenses.

WHEREFORE, Auto-Owners prays that this action proceed in this Court as an action properly removed pursuant to 28 U.S.C. § 1446, and that no further proceedings be had in said case in the State Court of Gwinnett County, Georgia.

This 28th day of April, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Jessica M. Phillips

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Georgia Bar No. 922902

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CERTIFICATE OF SERVICE

I have this day electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF System. The clerk will serve opposing counsel as follows:

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Attorney for Plaintiff

This 28th day of April, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Jessica M. Phillips

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